

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

<b>UNITED STATES OF AMERICA</b>	)	
	)	<b>No. 3:15-CR-154</b>
<b>v.</b>	)	
	)	<b>JUDGES REEVES / GUYTON</b>
<b>GEORGE MARCUS HALL</b>	)	

**UNITED STATES' RESPONSE TO PETITION FOR REMISSION  
OF FORFEITURE ACTION AND RETURN OF PROPERTY**

The United States of America, by and through Nancy Stallard Harr, Acting United States Attorney for the Eastern District of Tennessee, hereby files this response to Phillip D. Dean's Petition for Remission of Forfeiture Action and Return of Property filed on February 25, 2016 [Doc. 28], (hereinafter "Petition"), and states as follows:

1. On November 5, 2015 an Information [Doc. 1] was filed charging the defendant, George Marcus Hall, (hereinafter "the defendant") in Count One with conducting, financing, managing, supervising, directing and owning an illegal gambling operation in violation of 18 U.S.C. § 1955, and in Count Two with conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h). In the forfeiture allegations of the Information, the United States sought forfeiture of the interest of the defendant, pursuant to 18 U.S.C. § 1955(d) and 28 U.S.C. § 2461(c), in any property, including money, used in the offense in violation of 18 U.S.C. § 1955(a), and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), in any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offense.

2. The United States also alleged forfeiture pursuant to 18 U.S.C § 982(a)(1), in any property real or personal, involved in the offense of 18 U.S.C. § 1956(h), and any property

traceable to such property. The forfeiture allegations included the forfeiture of a 2009 Chrysler 300, red in color, VIN: 2C3KA33V99H601239, Tag# 150-VHB, registered to Phillip D. and Mary H. Dean (hereinafter “the vehicle”).

3. On November 5, 2015, a Plea Agreement [Doc. 2] was filed wherein the defendant pled guilty to the offenses charged in the Information. This Court held a change of plea hearing during which the defendant pled guilty on November 30, 2015.

4. In accordance with the Plea Agreement, the defendant agreed to forfeit his interest in any and all assets that were used and intended to be used in any manner or part to commit and to facilitate the commission of a violation of 18 U.S.C. §§1955 and 1956(h), and/or any and all assets and property, or portions thereof, subject to forfeiture as proceeds of the defendant’s criminal activities which are in the possession or control of the defendant or the defendant’s nominees. The defendant further agreed and admitted that the assets seized by the United States and assets alleged in the Information as forfeitable, are directly traceable to the offenses listed in Counts One and Two of the Information and are forfeitable in their entirety pursuant to 18 U.S.C. §§ 981(a), 982, 984, 1955(d) and 28 U.S.C. § 2461.

5. On December 11, 2015 an Agreed Preliminary Order of Forfeiture [Doc. 12] was filed with this court forfeiting the interest of defendant in the property as listed in the Information pursuant to 18 U.S.C. §§ 981(a), 982, 984, 1955(d) and 28 U.S.C. § 2461.

6. Phillip D. Dean, Sr. (hereinafter “Dean”) was served with the Agreed Preliminary Order of Forfeiture and Notice of Forfeiture on January 21, 2016. A. Notice of Filing Return of Service was filed with the clerk of this court on February 23, 2016 [Doc. 23]. Dean filed a timely petition on February 25, 2016 [Doc. 28].

7. The United States does not contest Dean's ownership in the vehicle, but does aver that the vehicle was used multiple times during the commission of the offense that forms the basis for the forfeiture and thus does aver that the vehicle is forfeitable as property that facilitated the criminal offenses. Nonetheless, the United States submits that this vehicle will either be returned to Dean or will be dismissed from this forfeiture action and forfeited through a parallel civil forfeiture proceeding.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Anne-Marie Svolto  
ANNE-MARIE SVOLTO  
Assistant United States Attorney